

### **Remarks/Arguments**

Claims 1-14 are pending in the application. By this amendment, claims 1-13 have been amended, claims 1 and 14 has been canceled, and claims 15-16 have been added.

Applicants believe the amendments made herein add no new matter. Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based on prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to be attached thereto. Reconsideration and reexamination of the application is respectfully requested in view of the amendments and the following remarks.

#### **Claim Objections**

Claim 11 was objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to claims in the alternative only. The objection is respectfully traversed.

Claim 11 has been amended to refer to the claims in the alternative only. Applicants request that the objection to the claim be withdrawn.

#### **Rejection Under 35 U.S.C. §112**

Claims 2-3 and 5-13 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. More specifically, for claim 2, the Examiner asserted that the "guide rails" and "inlet system" language was unsupported in the specification. The Examiner also asserted that claim 5 recites "adjustments or for internal reference" language that is unsupported in the specification. The Examiner also asserted that claim 10 recites "the discharge" which is also unsupported and that the specification does not enable determining the diameter of the water stream by a conductivity measurement. The Examiner also asserted for claim 11 that "a capacitive sensor is not disclosed in the specification. The Examiner also asserted for claim 12 that "a feed canal" is never discussed in the specification. Finally, the Examiner asserted that for claim 13 that the specification does not disclose that a conductive measurement can be performed. The rejection is respectfully traversed.

By this amendment, claim 2 no longer includes the "guide rails" and "inlet system" language and instead better tracks the language in paragraph [0016] of the publication. Claim 5 no longer includes the "adjustments" language, and instead better tracks the language in paragraph [0006] of the publication. It should be noted that such paragraph supports checking the operation of the sensor employed (internal reference) and calibration. Claim 10 no longer includes "the discharge" or "the diameter" language, and instead better tracks the language in paragraph [0023] of the publication. With regard to claim 11, an electrode is described in paragraphs [0004] and [0026] as measuring capacity thus "a capacitive sensor" is discussed in the specification. Claim 12 no longer includes the "feed canal" language. With regard to claim 13, paragraph [0026] describes a conductive method for measuring the drainage of liquid films. As the amendments have removed the grounds for rejection, Applicants respectfully request withdrawal of the rejection.

Claims 6-7 and 9-10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner has indicated that in claim 6, "this latter" is confusing language, that in claim 7, "the draining film" lacks antecedent basis, that in claim 9, "the draining film" lacks antecedent basis, and that in claim 10 "the discharge" and "the diameter" lacks antecedent basis. The rejection is respectfully traversed.

By this amendment, claim 6 has been amended to remove the confusing language. Claims 7, 9, and 10 have been amended to provide proper antecedent basis. As the amendments have removed the grounds for rejection, Applicants respectfully request withdrawal of the rejection.

**Rejection Under 35 U.S.C. §102(B)**

Claims 1, 4, and 14 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by European Patent Application No. 1096051 (EP '051). The rejection is traversed.

Claims 1 and 14 have been canceled, therefore the rejection with respect to these claims is moot. The rejection will be addressed with respect to new independent claims 15 and 16.

The claimed invention is not anticipated under § 102 unless each and every element of the claimed invention is found in the prior art. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 231 USPQ 81, 90 (Fed. Cir. 1986). To anticipate, a single reference must teach each and every limitation of the claimed invention. *Eolas Technologies Inc. v. Microsoft Corp.*, 399 F.3d 1325, 1335; 73 U.S.P.Q.2D (BNA) 1782 (Fed. Cir. 2005). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The rejection fails to satisfy these standards.

EP '051 discloses a clothes washing machine that comprises a washing tub (4) containing a drum (5). The washing machine also includes a discharge circuit (6) that includes a pump (3) and a lint filter (7). During each water discharge phase, a time interval is measured for the time it takes for the water in the tub (4) to lower to a first level (L2). A second time interval is measured for the time it takes the water to lower to a level (L1). When the ratio between the two times is determined to be higher than a given threshold an alarm signals to indicate excess amounts of detergent.

Independent claim 15 expressly call for, in relevant part, an inclined drain surface provided on the tank and collecting a portion of the washing liquor and at least one measuring instrument assessing properties of such liquor collected on the inclined drain surface on the basis of the drainage behavior thereof. Similarly, claim 16 expressly calls for, in relevant part, collecting a portion of the washing liquor on an inclined drain surface and assessing properties of such washing liquor collected on the inclined drain surface based on the drainage behavior thereof. EP '051 does not disclose such an inclined drain surface that collects a portion of the washing liquor and at least one measuring instrument assessing properties of that washing liquor. The disclosure of EP '051 is focused on a time comparison between washing water discharges in order to alert the user if the ration between the times is higher than a predetermined value. The ratio between discharge times is very different from the use of an inclined drain surface for collecting a portion of the washing liquor and assessing properties thereof. EP '051 does not disclose collecting washing liquor on an inclined drain surface let alone assessing the properties of the collected washing liquor and at least one measuring instrument used for such assessment.

As EP '051 does not teach an inclined drain surface that collects a portion of the washing liquor, EP '051 cannot anticipate claim 15. Further, EP '051 does not disclose at last one measuring instrument assessing properties of that liquid collected on the inclined drain surface and thus cannot anticipate claim 15. Similarly, EP '051 does not disclose collecting the washing liquor on an inclined drain surface and assessing properties of the liquid collected on the inclined drain surface based on the drainage behavior thereof and thus cannot anticipate claim 16.

Since EP '051 does not teach or suggest every element of Applicants' claims, Applicants respectfully submit that Applicants' invention is not anticipated by EP '051 and that claims 15 and 16 are patentable under 35 U.S.C. §102. Since claim 10 depends from and includes the same distinctive features of claim 15, Applicants submit that claim 10 is also allowable. Applicants request withdrawal of the rejection, and the allowance of claims 10 and 15-16.

**Conclusion**

Applicants respectfully submit that all of the claims in the application are patentable. Any questions about the foregoing can be directed to the undersigned and the Examiner is invited to resolve any remaining issues by telephone or by email.

Respectfully submitted,

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